

## **REMARKS/ARGUMENTS:**

Entry of the above amendments, and reconsideration and further examination of this application as amended is respectfully requested. Claims 1-42 remain in the application.

The amendments submitted above to certain paragraphs in the specification have been done so to correct informalities, such as switched, omitted, or incorrect figure reference numbers or inconsistent reference names, and to correct grammatical or spelling errors. Specifically, the amendment made to the abstract on page 30 was done to correct misspellings. The amendment made to page 10 was done to add a Brief Description Of The Drawings that was inadvertently omitted from the specification when filed. The amendments made to the paragraphs on page 11 were done to correct misspellings. The amendment made to the paragraph on page 12 was done to correct a grammatical error and a misspelling. The amendment made to the paragraph on page 13 was done to correct a misspelling. The amendment made to the paragraph on page 14 was done to correct a reference tag number. The amendment made to the paragraphs on page 15 were done to correct reference tag numbers and add an omitted reference tag number. The amendment made to the paragraphs on page 16 were done to correct a reference tag number. The amendment made to the paragraph on page 17 was done to correct a reference to the figures and to correct a grammatical error. The amendment made to the paragraph on page 20 was done to conform the written text to the figures. There is no table 110 shown on FIG. 14. The user simply clicks on the "Proceed to next page" phrase 112. The amendment made to page 23 was done to signify the beginning of the claims. No new matter has been added through these amendments.

The amendments submitted above to certain claims have been done so either in response to the Examiner's rejections or objections or to correct claim dependency, to correct antecedent basis, to put the claim in conventional form, to correct punctuation, improper word usage, and the like. No new matter has been introduced through any of these amendments.

### **A. Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claim 38 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to the above rejection, Applicant has amended

claim 38 to more distinctly claim the subject matter of the invention. Support for the amendment may be found on page 5, lines 11-13 in the specification. As a result, Applicant believes that claim 38, as amended, overcomes the Examiner's rejection thereof under 35 U.S.C. §112, second paragraph, and reconsideration of that rejection is respectfully requested.

**B. Rejection of Claims**  
**Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-29, 31, 32, and 35-42 under 35 U.S.C. §102(b) as being anticipated by McIlroy et al., U.S. Patent No. 5,953,704.

Applicant respectfully traverses. Applicant's invention has the ability to focus in on a topic and a recommendation incrementally. In prior art systems, as found in McIlroy et al., the approach is typically to input the information necessary to make a decision, process that information in accordance with some predetermined algorithm, and output the result. This approach is unresponsive to the desires of the users to obtain a particular outcome, because it simply gives an answer without revealing the reasoning behind that answer. Further, it wastes user time and processor power by completely processing the matter even if the user is interested in only a preliminary conclusion or a portion of the answer. (See page 9, line 20 through page 10, line 4.)

Applicant's invention thus incrementally receives initial necessary input information, processes that initial information, presents results of that processing, and sends additional information based on the results of the processing. Unlike McIlroy et al., the present invention does not expend large amounts of processing power or consume large amounts of user time in inputting or processing all the information conceivably necessary to analyze a given topic. Instead it receives input and processes that input incrementally to arrive at output that is narrow and tailored to the degree desired by the user. (See page 17, lines 7-14.)

In Applicant's independent claim 1, this aspect of the invention is found in the claim language that states:

(d) determining a recommendation by processing the input data through at least a portion of the algorithm;

Applicant's invention is organized in such a way that the user may use only so much of it as desired. If the user is initially interested in a preliminary recommendation or set of recommendations, rather than a farther refinement, that alone is available through step (d). If a user is interested in quickly seeing the effect or the recommendations of changing the input data, that is available. If a user wishes to use one module but not another, that is generally available. (See page 22, lines 11-16.)

If the user wants to delve further, then, the user may respond to the screen set soliciting additional input. This aspect of the invention is found in the claim language of claim 1 which states:

(e) displaying a screen set showing the recommendation and a screen set soliciting additional input data for input by the user, the contents of said screen sets being determined by step (d), and inputting said additional input data;

With Applicant's invention, the user may incrementally refine the results by repeating steps (d) and (e). This aspect of the invention is found in the claim language of claim 1 which states:

(f) repeating steps (d) and (e) until arriving at a final recommendation or analysis;

After this incremental process, the final recommendation or analysis is displayed to the user. This aspect of the invention is found in the claim language of claim 1 which states:

(g) displaying a screen set showing the final recommendation or analysis.

On the other hand, McIlroy et al. teaches a system whereby the user is guided through a sequence of interactive data-collection queries logically structured so that the user is led to an endpoint that is usually one treatment option. (See col. 4, line 66 through col. 5, line 5.) McIlroy et al. does not teach nor suggest an incremental process whereby the user may stop after initial data is input, and a result is returned. And that result at each stage of the incremental process may be different in Applicant's invention. Once started, the system of McIlroy et al.

requires the user to answer all of the questions in order to end up at the endpoint. In implementing the guidelines of McIlroy et al., the question/answer combination are sequenced to yield the most efficient route to a treatment. (See col. 6, lines 42-44.) The guidelines identify a treatment option or other action based on the user's answers to the questions presented. (See col. 7, lines 59-61.) Once a guideline is selected, the user proceeds through an interactive process of questions and answers to reach a treatment option. (See col. 11, lines 51-53.) In McIlroy et al., the user may not work backward or select questions in an arbitrary manner. (See col. 12, lines 36-37.)

Since the McIlroy et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's independent claim 1, the McIlroy et al. reference does not meet the statutory standard and should be withdrawn. Thus, Applicant believes that claim 1 is not anticipated by McIlroy et al. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §102(b).

Claims 2-29, 31, 32, and 35-42 depend directly or indirectly from independent claim 1 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claim 1, Applicant likewise believes that claims 2-29, 31, 32, and 35-42 also overcome the Examiner's rejection based on McIlroy et al. under 35 U.S.C. §102(b), and withdrawal of that rejection in respect to these claims is respectfully requested.

**C.     Rejection of Claims  
       Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 30, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over McIlroy et al. U.S. Patent No. 5,953,704.

Applicant respectfully traverses. Claims 30, 33, and 34, through dependency, embody all the elements and limitations of independent claim 1. As argued above in Section B, Applicant believes that McIlroy et al. does not disclose all the elements and limitations of Applicant's independent claim 1. Therefore, combining McIlroy et al. with the knowledge of one skilled in the art cannot arrive at Applicant's claimed invention as embodied in claims 30, 33, and 34. Applicant thus believes that claims 30, 33, and 34 also overcome the Examiner's rejection based on McIlroy et al. and the knowledge of one skilled in the art, and withdrawal of that rejection in respect to this claim is respectfully requested.

**CONCLUSION:**

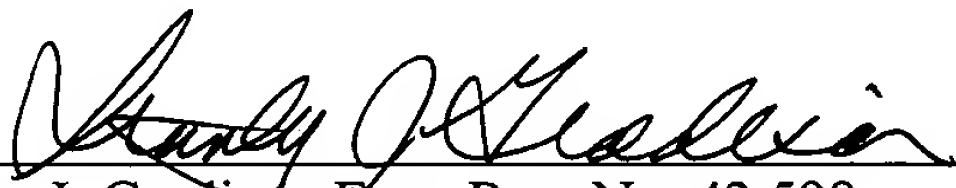
A bona-fide attempt has been made to place this application in condition for allowance. Each of the Examiner's bases for objection and/or rejection have been addressed and the claims have been amended, canceled, or arguments presented to overcome such objections and/or rejections. The application is now believed to meet all statutory requirements and is thus believed to be in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited.

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant does not believe that any fees are due with this response. If this is not the case, please charge any required fees due, or credit any overpayment to, deposit account 50-0792.

Respectfully submitted,

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